S.B. Criminal Revision Petition NO.737/2004
(Rajosh & Ors. Vs. Inder Singh)

Date of order : 25.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. R.C. Gaur, for the petitioners.
Mr. R.S. Choudhary, for the respondent.

By way of filing the present revision petition, the petitioners have prayed for enhancement of maintenance allowance awarded by Addl. Chief Judicial Magistrate, Rajgarh District Churu vide order dated 24.7.2004.

It is contended by the learned counsel for the petitioners that the learned trial court after giving finding that non-petitioner is neglecting the petitioners and not maintaining them for which he is responsible under law has concluded the matter while holding that the petitioners are entitled for maintenance allowance from non-petitioner. The aforesaid finding given by trial court has not been challenged by the non-petitioner till today. It is prayed by the learned counsel for the petitioners that a meagre amount of maintenance has been allowed by learned trial court. The petitioner No.1, who is wife of non-petitioner has been allowed maintenance allowance of Rs.400/- per month from the date of passing of order dated 24.7.2004 and maintenance

allowance of Rs.200/- has been allowed from the date of filing of application i.e. 18.2.1997 under Section 125 Cr.P.C. till the date of judgment. Likewise, petitioners Nos. 2 and 3, who are minor daughters of non-petitioner, have been awarded maintenance allowance of Rs.200/- each per month from the date of passing of order dated 24.7.2004 and maintenance allowance of Rs.100/- each has been allowed from the date of filing of application under Section 125 Cr.P.C. till the date of judgment. Therefore, the maintenance allowance awarded by the learned trial court may be enhanced and at least sufficient amount for managing food may kindly be ordered to be given in favour of the petitioners.

I have perused the judgment dated 24.7.2004 passed by Addl. Chief Judicial Magistrate, Rajgarh.

In my opinion, it is a fit case in which the maintenance allowance awarded by the trial court is required to be enhanced because price index of essential commodities is rising very fast. Therefore, in the interest of justice, while upholding the findings of trial court with regard to the responsibility of non-petitioner to maintain the petitioners, the maintenance allowance of Rs.400 and Rs.200 per month respectively awarded in favour of the petitioners from the date of passing of judgment by the trial court is enhanced as Rs.500/- per month to

petitioner No.1 and Rs.300/- per month for each of the daughters from the date of judgment of trial court. However, the order of the trial court with regard to granting maintenance allowance from the date of filing application under Section 125 Cr.P.C. till the passing of the judgment is maintained. It is further directed that non-petitioner shall pay the amount of maintenance allowance to the petitioners in first week of every month. The arrears of amount of maintenance allowance shall be paid to the petitioners by the non-petitioner in ten equal installments w.e.f. 1.8.2007.

With the above modifications, the revision petition is allowed.

(GOPAL KRISHAN VYAS), J .

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